

## Fourth Amendment Search and Seizure Checklist

- (1) Does Client have Standing to raise 4<sup>th</sup> Amendment challenge to the specific evidence in question?
- (2) Is Client among “the people” protected?
- (3) Did the police activity implicate a “person, house, paper, or effect”?
- (4) Did the police activity constitute a search/seizure?
- (5) Was the search/seizure reasonable?
  - Did the police have adequate grounds to conduct the search/seizure?
    - Probable Cause?
    - Reasonable Articulate Suspicion?
  - Did the police act on basis of a search/arrest warrant?
    - No? Did they have a valid reason (**lots of exceptions**)
    - Yes, BUT:
      - Did they get the warrant in a proper manner?
      - Was it from a “neutral and detached magistrate”?
      - Does the warrant satisfy the “Particularity Requirement”?
      - Did the police properly execute the warrant?
- (6) Exclusionary rule?
  - Objective “good faith” reliance on bad warrant?
  - Evidence is causally linked to the initial illegality? Then it’s *probably* out. . . BUT
    - Inevitable discovery doctrine?
    - Attenuated-connection doctrine?